

EXHIBIT 16

-----Original Message-----

From: Reines, Edward

Sent: Tuesday, July 23, 2019 2:37 PM

To: Scott, Katie <Katie.Scott@arnoldporter.com>

Cc: Walter, Derek <derek.walter@weil.com>; Sklenar, Jennifer <Jennifer.Sklenar@arnoldporter.com>

Subject: RE: Illumina v. BGI

Katie, I had another idea to try avoid dispute. Will BGI agree not to introduce sequencers before 2021. Don't take that as acquiescence, but it would allow time for a routine length discovery period. Please advise. You can always give me a call. Thanks, Ed

Edward Reines

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-----Original Message-----

From: Reines, Edward

Sent: Monday, July 22, 2019 6:35 PM

To: 'Scott, Katie' <Katie.Scott@arnoldporter.com>

Cc: Walter, Derek <derek.walter@weil.com>; Sklenar, Jennifer <Jennifer.Sklenar@arnoldporter.com>

Subject: RE: Illumina v. BGI

Katie, thank you very much for getting back to us today. We will bring our motion seeking the discovery we identified. Best, Ed

-----Original Message-----

From: Scott, Katie <Katie.Scott@arnoldporter.com>

Sent: Monday, July 22, 2019 5:41 PM

To: Reines, Edward <edward.reines@weil.com>

Cc: Walter, Derek <Derek.Walter@weil.com>; Sklenar, Jennifer <Jennifer.Sklenar@arnoldporter.com>

Subject: RE: Illumina v. BGI

Ed,

We have considered your proposal for expedited discovery on the topics you provided and have determined that we will not agree to provide responses on an expedited basis. Illumina has not and could not have alleged in its complaint that (i) defendants are selling any sequencers in the U.S., (ii) defendants are providing any commercial sequencing services using one of Defendants' sequencers in the United States, or (iii) defendants possess any immediate plans to do (i) or (ii). We thus do not agree that Illumina has a Rule 11 basis for seeking expedited discovery or a preliminary injunction and submit that the parties should proceed with this case according to the standard schedule and local patent rules. If you disagree, please provide the basis of your request as well as any case law that you believe supports the requested relief.

Best regards,
Katie

-----Original Message-----

From: Reines, Edward <edward.reines@weil.com>

Sent: Sunday, July 21, 2019 1:59 PM

To: Scott, Katie <Katie.Scott@arnoldporter.com>

Cc: Walter, Derek <Derek.Walter@weil.com>; Sklenar, Jennifer <Jennifer.Sklenar@arnoldporter.com>

Subject: Re: Illumina v. BGI

****External E-mail****

Katie, thanks for your note. We look forward to your response. Best, Ed

> On Jul 18, 2019, at 2:49 PM, Scott, Katie <Katie.Scott@arnoldporter.com> wrote:

>

> Ed,

>

> Thank you for providing this list of discovery requests for our consideration. We will endeavor to get back to you with a response tomorrow, but may need until Monday.

>

> Best regards,

> Katie

>

> -----Original Message-----

> From: Reines, Edward <edward.reines@weil.com>

> Sent: Thursday, July 18, 2019 11:28 AM

> To: Scott, Katie <Katie.Scott@arnoldporter.com>

> Cc: Walter, Derek <Derek.Walter@weil.com>; Sklenar, Jennifer

> <Jennifer.Sklenar@arnoldporter.com>

> Subject: Illumina v. BGI

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> ****External E-mail****

>

> Katie, thank you for your note. Assuming we can agree to a discovery plan, the below is the discovery we seek. Given how focused our requests are, the process we request would be an agreement to produce these items, not an elaborate Rule 33 or 34 process. If you have issues with these requests, let me know by the end of the week so we can work through them together. We would anticipate a document production in a matter of a couple, few weeks, but that depends on what you agree to produce and your explanation of what time you need. We want to do this cooperatively. And as noted, if you plan to file Rule 12 motions, as warranted we may need to add requests. If we work through these issues cooperatively, we can hold off on the issue of depositions for now.

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> These discovery requests do not seek information about sequencers from commercial companies other than BGI. BGI refers to defendants.

>

> RPD's

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> Documents created since January 1, 2018 reflecting BGI's plans for sequencer sales in the United States and/or to use BGI sequencers in the United States for commercial services.

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> Documents sufficient to show the chemical structure of the nucleotides that since January 1, 2018 BGI has used with BGI sequencers in its US facilities and/or supplied for use with BGI sequencers in the United States.

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> Documents sufficient to show the sequencing protocols that since January 1, 2018 BGI has used with BGI sequencers in its US facilities and/or supplied for use with BGI sequencers in the United States.

>

> Rogs

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> Please describe BGI's plans to sell sequencers in the United States and/or to use BGI sequencers for commercial services in the United States.

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> Please identify the location, model and owner of each BGI sequencer supplied by BGI to the United States and the chemical structure of the nucleotides and sequencing protocol used with each such system.

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> Best,

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> Ed

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>> On Jul 18, 2019, at 3:59 PM, Scott, Katie <Katie.Scott@arnoldporter.com> wrote:

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>> Ed and Derek,

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>> Please let us know as soon as possible whether Illumina will agree to the stipulation to extend time by ~30 days, as proposed in my last message and reattached here. We need to get a stipulation on file today.

>>

>> Best regards,

>> Katie

>>
>> From: Scott, Katie
>> Sent: Tuesday, July 16, 2019 10:41 AM
>> To: Reines, Edward
>> Cc: Walter, Derek; Sklenar, Jennifer
>> Subject: Illumina v. BGI - extension of time and expedited discovery
>>
>> Dear Ed,
>> Thank you for your thoughts yesterday regarding the stipulation to extend time (including your agreement to at least a week extension to respond), and your explanation of the expedited discovery that Illumina is considering.
>>
>> We discussed your proposal for expedited discovery with our client, but are finding it difficult to have an informed discussion (much less agree to something) without knowing specifically what the scope of the requests would be. We therefore ask that Illumina provide drafts of the discovery requests and proposed timing for such requests and responses.
>>
>> Also, having further considered the proposed expedited discovery, we see no need to tie the defendants' deadline to respond to the Complaint to the schedule for any expedited discovery. Thus, we ask that Illumina agree to an extension to August 21 (33 days for BGI Genomics and 30 days for the other 4 defendants) given that this is typical in this district and that CGI agreed to the same extension for Illumina in the Delaware case. We are amenable to including in the stipulation that such extension would not be used against Illumina with respect to any opposition to a motion for expedited discovery or opposition to any motion for PI. A revised draft of the stipulation is attached for your consideration.
>>
>> Best regards,
>> Katie
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>> _____
>> Katie Scott
>> Counsel
>>
>> Arnold & Porter
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>> Five Palo Alto Square | Suite 500
>> Palo Alto, CA 94306-2112
>> T: +1 650.319.4529 | F: +1 650.319.4929
>> Katie.Scott@arnoldporter.com<mailto:Katie.Scott@arnoldporter.com> |
>> www.arnoldporter.com
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>> For more information about Arnold & Porter, click here:
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>> <2019-07-16 DRAFT Stipulation to Extend Time to
>> Respond_(US_165242275_2).DOCX>
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